



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB4314**

Introduced 12/27/2005, by Rep. Michael Tryon

**SYNOPSIS AS INTRODUCED:**

625 ILCS 5/13B-55  
625 ILCS 5/13C-55

Amends the Illinois Vehicle Code. Provides that the Secretary of State may not renew the vehicle registration (rather than shall suspend the driving privileges or vehicle registration or both) of any vehicle owner who fails to comply with emissions testing requirements. Effective immediately.

LRB094 15787 DRH 51003 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 13B-55 and 13C-55 as follows:

6 (625 ILCS 5/13B-55)

7 (Section scheduled to be repealed on July 1, 2007)

8 (Text of Section before amendment by P.A. 94-218)

9 Sec. 13B-55. Enforcement.

10 (a) The Agency shall cooperate in the enforcement of this  
11 Chapter by (i) identifying probable violations through  
12 computer matching of vehicle registration records and  
13 inspection records; (ii) sending one notice to each suspected  
14 violator identified through such matching, stating that  
15 registration and inspection records indicate that the vehicle  
16 owner has not complied with this Chapter; (iii) directing the  
17 vehicle owner to notify the Agency or the Secretary of State if  
18 he or she has ceased to own the vehicle or has changed  
19 residence; and (iv) advising the vehicle owner of the  
20 consequences of violating this Chapter.

21 The Agency shall cooperate with the Secretary of State in  
22 the administration of this Chapter and the related provisions  
23 of Chapter 3, and shall provide the Secretary of State with  
24 such information as the Secretary of State may deem necessary  
25 for these purposes, including regular and timely access to  
26 vehicle inspection records. The Agency shall be reimbursed for  
27 the cost of providing this information.

28 The Secretary of State shall cooperate with the Agency in  
29 the administration of this Chapter and shall provide the Agency  
30 with such information as the Agency may deem necessary for the  
31 purposes of this Chapter, including regular and timely access  
32 to vehicle registration records. Section 2-123 of this Code

1 shall not apply to the provision of this information, but the  
2 Secretary of State shall be reimbursed for the cost of  
3 providing the information.

4 (b) The Secretary of State may not renew ~~shall suspend~~  
5 ~~either the driving privileges or the vehicle registration, or~~  
6 ~~both,~~ of any vehicle owner who has not complied with this  
7 Chapter, if (i) the vehicle owner failed to satisfactorily  
8 respond to the one notice sent by the Agency under subsection  
9 (a), and (ii) the Secretary of State has mailed the vehicle  
10 owner a notice that renewal will be denied ~~the suspension will~~  
11 ~~be imposed~~ if the owner does not comply within a stated period,  
12 and the Secretary of State has not received satisfactory  
13 evidence of compliance within that period. The Secretary of  
14 State shall send this notice only after receiving a statement  
15 from the Agency that the vehicle owner has failed to comply  
16 with this Section. Notice shall be effective as specified in  
17 subsection (c) of Section 6-211 of this Code.

18 A denial of renewal ~~suspension~~ under this subsection shall  
19 not be terminated until satisfactory proof of compliance has  
20 been submitted to the Secretary of State. ~~No driver's license~~  
21 ~~or permit, or renewal of a license or permit, may be issued to~~  
22 ~~a person whose driving privileges have been suspended under~~  
23 ~~this Section until the suspension has been terminated.~~ No  
24 vehicle registration or registration plate that has been denied  
25 renewal ~~suspended~~ under this Section may be reinstated or  
26 renewed, or transferred by the owner to any other vehicle,  
27 until the denial of renewal ~~suspension~~ has been terminated.

28 The filing fee for an administrative hearing to contest a  
29 denial of renewal ~~suspension made~~ under this Section shall be  
30 \$20, to be paid by the vehicle owner at the time written  
31 request for the hearing is made to the Secretary of State.

32 The Secretary of State may promulgate rules to enable him  
33 or her to carry out his or her duties under this Chapter.

34 (Source: P.A. 88-533.)

35 (Text of Section after amendment by P.A. 94-218)

1           Sec. 13B-55. Enforcement.

2           (a) The Agency shall cooperate in the enforcement of this  
3 Chapter by (i) identifying probable violations through  
4 computer matching of vehicle registration records and  
5 inspection records; (ii) sending one notice to each suspected  
6 violator identified through such matching, stating that  
7 registration and inspection records indicate that the vehicle  
8 owner has not complied with this Chapter; (iii) directing the  
9 vehicle owner to notify the Agency or the Secretary of State if  
10 he or she has ceased to own the vehicle or has changed  
11 residence; and (iv) advising the vehicle owner of the  
12 consequences of violating this Chapter.

13           The Agency shall cooperate with the Secretary of State in  
14 the administration of this Chapter and the related provisions  
15 of Chapter 3, and shall provide the Secretary of State with  
16 such information as the Secretary of State may deem necessary  
17 for these purposes, including regular and timely access to  
18 vehicle inspection records. The Agency shall be reimbursed for  
19 the cost of providing this information.

20           The Secretary of State shall cooperate with the Agency in  
21 the administration of this Chapter and shall provide the Agency  
22 with such information as the Agency may deem necessary for the  
23 purposes of this Chapter, including regular and timely access  
24 to vehicle registration records. Section 2-123 of this Code  
25 shall not apply to the provision of this information, but the  
26 Secretary of State shall be reimbursed for the cost of  
27 providing the information.

28           (b) The Secretary of State may not renew ~~shall suspend~~  
29 ~~either the driving privileges or the vehicle registration, or~~  
30 ~~both,~~ of any vehicle owner who has not complied with this  
31 Chapter, if (i) the vehicle owner failed to satisfactorily  
32 respond to the one notice sent by the Agency under subsection  
33 (a), and (ii) the Secretary of State has mailed the vehicle  
34 owner a notice that renewal will be denied ~~the suspension will~~  
35 ~~be imposed~~ if the owner does not comply within a stated period,  
36 and the Secretary of State has not received satisfactory

1 evidence of compliance within that period. The Secretary of  
2 State shall send this notice only after receiving a statement  
3 from the Agency that the vehicle owner has failed to comply  
4 with this Section. Notice shall be effective as specified in  
5 subsection (c) of Section 6-211 of this Code, except as to  
6 those drivers who also have been issued a CDL. If a person also  
7 has been issued a CDL, notice of suspension of that person's  
8 driver's license must be given in writing by certified mail and  
9 is effective on the date listed in the notice of suspension,  
10 except that the notice is not effective until 4 days after the  
11 date on which the notice was deposited into the United States  
12 mail. The notice becomes effective 4 days after its deposit  
13 into the United States mail regardless of whether the Secretary  
14 of State receives the return receipt and regardless of whether  
15 the written notification is returned for any reason to the  
16 Secretary of State as undeliverable.

17 A denial of renewal ~~suspension~~ under this subsection shall  
18 not be terminated until satisfactory proof of compliance has  
19 been submitted to the Secretary of State. ~~No driver's license~~  
20 ~~or permit, or renewal of a license or permit, may be issued to~~  
21 ~~a person whose driving privileges have been suspended under~~  
22 ~~this Section until the suspension has been terminated.~~ No  
23 vehicle registration or registration plate that has been denied  
24 renewal ~~suspended~~ under this Section may be reinstated or  
25 renewed, or transferred by the owner to any other vehicle,  
26 until the denial of renewal ~~suspension~~ has been terminated.

27 The filing fee for an administrative hearing to contest a  
28 denial of renewal ~~suspension made~~ under this Section shall be  
29 \$20, to be paid by the vehicle owner at the time written  
30 request for the hearing is made to the Secretary of State.

31 The Secretary of State may promulgate rules to enable him  
32 or her to carry out his or her duties under this Chapter.

33 (Source: P.A. 94-218, eff. 7-1-06.)

34 (625 ILCS 5/13C-55)

35 Sec. 13C-55. Enforcement.

1 (a) The Agency shall cooperate in the enforcement of this  
2 Chapter by (i) identifying probable violations through  
3 computer matching of vehicle registration records and  
4 inspection records; (ii) sending one notice to each suspected  
5 violator identified through such matching, stating that  
6 registration and inspection records indicate that the vehicle  
7 owner has not complied with this Chapter; (iii) directing the  
8 vehicle owner to notify the Agency or the Secretary of State if  
9 he or she has ceased to own the vehicle or has changed  
10 residence; and (iv) advising the vehicle owner of the  
11 consequences of violating this Chapter.

12 The Agency shall cooperate with the Secretary of State in  
13 the administration of this Chapter and the related provisions  
14 of Chapter 3, and shall provide the Secretary of State with  
15 such information as the Secretary of State may deem necessary  
16 for these purposes, including regular and timely access to  
17 vehicle inspection records.

18 The Secretary of State shall cooperate with the Agency in  
19 the administration of this Chapter and shall provide the Agency  
20 with such information as the Agency may deem necessary for the  
21 purposes of this Chapter, including regular and timely access  
22 to vehicle registration records. Section 2-123 of this Code  
23 does not apply to the provision of this information.

24 (b) The Secretary of State may not renew ~~shall suspend~~  
25 ~~either the driving privileges or the vehicle registration, or~~  
26 ~~both,~~ of any vehicle owner who has not complied with this  
27 Chapter, if (i) the vehicle owner has failed to satisfactorily  
28 respond to the one notice sent by the Agency under subsection  
29 (a), and (ii) the Secretary of State has mailed the vehicle  
30 owner a notice that renewal will be denied ~~the suspension will~~  
31 ~~be imposed~~ if the owner does not comply within a stated period,  
32 and the Secretary of State has not received satisfactory  
33 evidence of compliance within that period. The Secretary of  
34 State shall send this notice only after receiving a statement  
35 from the Agency that the vehicle owner has failed to comply  
36 with this Section. Notice shall be effective as specified in

1 subsection (c) of Section 6-211 of this Code.

2 A denial of renewal ~~suspension~~ under this subsection shall  
3 not be terminated until satisfactory proof of compliance has  
4 been submitted to the Secretary of State. ~~No driver's license~~  
5 ~~or permit, or renewal of a license or permit, may be issued to~~  
6 ~~a person whose driving privileges have been suspended under~~  
7 ~~this Section until the suspension has been terminated.~~ No  
8 vehicle registration or registration plate that has been denied  
9 renewal ~~suspended~~ under this Section may be reinstated or  
10 renewed, or transferred by the owner to any other vehicle,  
11 until the denial of renewal ~~suspension~~ has been terminated.

12 (Source: P.A. 94-526, eff. 1-1-06.)

13 Section 95. No acceleration or delay. Where this Act makes  
14 changes in a statute that is represented in this Act by text  
15 that is not yet or no longer in effect (for example, a Section  
16 represented by multiple versions), the use of that text does  
17 not accelerate or delay the taking effect of (i) the changes  
18 made by this Act or (ii) provisions derived from any other  
19 Public Act.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.